

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES FIDELITY AND)	
GUARANTY COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 1:08-cv-00862
)	
VOA ASSOCIATES INC., LIBERTY)	Judge Kennelly
INTERNATIONAL UNDERWRITERS,)	
MICHAEL J. MADDEN and JEAN MADDEN,)	Magistrate Judge Brown
)	
Defendants.)	

**UNITED STATES FIDELITY AND GUARANTY COMPANY,
VOA ASSOCIATES, INC. AND LIBERTY INTERNATIONAL UNDERWRITERS’
JOINT MOTION FOR PROTECTIVE ORDER**

Plaintiff, United States Fidelity and Guaranty Company (“USF&G”), by its counsel, and Defendants, VOA Associates, Inc. (“VOA”) and Liberty International Underwriters (“Liberty”), by their counsel, hereby submit their Joint Motion for Protective Order, and in support thereof, state as follows:

1. The above-captioned lawsuit was filed by USF&G in order for this Court to determine the rights and obligations under policies of insurance issued by USF&G and Liberty to VOA.

2. Defendants, Michael J. Madden and Jean Madden, are plaintiffs in an underlying lawsuit captioned *Michael J. Madden and Jean Madden v. P.H. Paschen; SN Nielson, Inc.; Jacobs Facilities, Inc.; Cliffs and Cables, LLC; and VOA & Associates; Schuler & Shook, Inc.*, No. 03 L 000433, Circuit Court of Cook County, Illinois (the “Underlying Lawsuit”), and are

named as Defendants in the instant declaratory judgment action solely as necessary parties. The Underlying Lawsuit is currently pending on appeal.

3. The instant action will involve the discovery and disclosure of confidential and privileged information, which must be protected.

4. Federal Rule of Civil Procedure 26(c) provides that the court may enter a Protective Order for good cause shown. A Protective Order is appropriate where, as here, the parties may discover confidential and/or privileged information which should not be made part of public record and/or is protected from disclosure to the public and certain parties in this litigation pursuant to the attorney-client privilege, work-product privilege, insurer-insured privilege and other protections provided under the applicable law.

5. In the instant matter, St. Paul and Liberty's underwriting files may contain confidential and proprietary information which should not be made public or available for dissemination to the public. Moreover, information related to VOA's defense in the Underlying Litigation that is exchanged between USF&G, Liberty and VOA and its underlying defense counsel is protected from disclosure to the Maddens, who were and continue to be adverse to VOA in the pending appeal.

6. Under the foregoing circumstances, good cause has been shown for this Court to enter the Protective Order, attached hereto at Exhibit A, to deny the Maddens access to information protected by the attorney-client privilege, work-product doctrine, insurer-insured privilege and other recognized privilege doctrines and to prevent disclosure of confidential and proprietary commercial information.

WHEREFORE, Plaintiff, United States Fidelity and Guaranty Company, and Defendants, VOA Associates, Inc. and Liberty International Underwriters, respectfully pray that this Court enter the attached Protective Order.

Dated: July 1, 2008

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**UNITED STATES FIDELITY AND
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